



FloorPrep

Legislative Digest

Wednesday, June 7, 2000

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

*House Meets at 10:00 a.m. for Morning Hour
and 12:00 p.m. for Legislative Business*

Anticipated Floor Action:

H.R. 3605—Establishing the San Rafael Western Legacy District

H.R. 4576—FY 2001 Department of Defense Appropriations Act

**H.R. 4577—FY 2001 Departments of Labor, HHS and
Education Appropriations Act**

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Bills Considered Pursuant to a Rule

Floor Situation: The House will consider H.R. 3605 as its first order of business following roll call votes on bills under suspension debated yesterday. The Rules Committee met yesterday and granted an open rule that waives all points of order against the bill and provides one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Resources. The rule makes in order a substitute committee amendment that is to be considered as base text subject to further amendment. The amendment printed in the report of the Rules Committee is considered as read. The Chair will accord priority in recognizing Members who have had their amendments pre-printed in the *Congressional Record* and may postpone and reduce votes to five minutes if it follows a regular 15-minute vote. One motion to recommit, with or without instructions is in order.

Summary: H.R. 3605 establishes the San Rafael Western Legacy District and the National Conservation Act in Utah. This legislation places over 2 million acres of land in Emery County, Utah in the public trust through the establishment of the legacy district. In addition, an area of approximately 947,000 acres within the district will be set aside as the San Rafael National Conservation Area, which will be protected under the National Conservation Act.

Background:

The San Rafael region of Utah represents many aspects of American history. It contains many historical, cultural and natural resources that are typical of the American West. This legislation empowers the Secretary of the Interior to work through the Bureau of Land Management to purchase the lands. It also mandates the Secretary to establish a "Legacy Council" to insure that the area's Native American culture, and the historical effects of exploration, pioneering and industrial development are preserved in a proper fashion.

Costs/ Committee Action:

CBO estimates that implementing H.R. 3605 would cost \$15 million over the 2001-2005 periods. Because the bill could affect offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply; however, CBO estimates that such effects would total less than \$500,000 a year.

H.R. 3605 was reported by voice vote by the House Committee on Resources on May 16, 2000.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 3605:

Mr. Hansen will offer a manager's amendment that specifies the boundaries of the Legacy District.

Contact: x5-0453

Mr. Hinchey may offer an amendment (#1) that seeks to designate a number of land areas within the San Rafael region of Utah (comprising a total of approximately 1,054,800 acres) as wilderness areas to be included in the National Wilderness Preservation System. The amendment would not create any so-called "buffer lands" adjacent to the designated lands thereby precluding nonwilderness activities or uses that may be seen or heard from within the wilderness area. **Contact:** x5-6335

Mr. Holt may offer an amendment (#2) to restrict the operation of motorized vehicles within wilderness study areas or other roadless areas within a designated Conservation Area. Use of motorized vehicles are permitted for administrative or emergency purposes or on roads and trails that allow vehicle use under an approved management plan. **Contact:** x5-5801

Mr. Udall (CO) may offer an amendment(#3) that would designate the 1,054,800 acres of the San Rafael area as subject to administration by the Secretary of the Interior in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 thereby maintaining the options of Congress to make future designations of these lands as wilderness. **Contact:** x5-2161

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H.R. 4576—FY 2001 Department of Defense Appropriations Act

Floor Situation: The House will consider H.R. 4576 after it completes consideration of H.R. 3605. Appropriations bills are privileged and may be considered anytime three days after they are filed unless points of order lie against consideration of the bill in which case the bill requires a rule. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives all points of order against consideration of the bill. It also waives House rules prohibiting unauthorized appropriations and legislative measures in an appropriations bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4576 appropriates \$288.5 billion in new FY 2001 budget authority, \$4 billion more than the president's request, to sustain military personnel, develop and purchase military hardware, and maintain the operational readiness of U.S. forces. Overall, the bill authorizes: (1) \$75.9 billion (\$103 million more than the president's request) for military personnel; (2) \$97.5 billion (\$1.2 billion more than the president's request) for operations and maintenance; (3) \$61.6 billion (\$2.3 billion more than the president's request) for weapons procurement; and (4) \$40.2 billion (\$2.3 billion more than the president's request) for research and development.

In addition to funding DOD programs, the bill also provides (1) small, unclassified amounts for the CIA retirement fund and intelligence community management; (2) classified amounts for national foreign intelligence activities administered by the CIA and other agencies including DOD; and (3) miniscule amounts for other agencies.

The bill does not make appropriations for military construction, military family housing, civil defense, or nuclear activities, which are funded in other bills. Specifically, the bill provides:

- * a 3.7 percent military pay raise (matching the president's request);
- * \$2.8 billion for 42 F-18E/F fighters (equal to the president's request);
- * \$4 billion for the F-22 program (procurement and R&D), the next generation air dominance fighter, matching the president's request;
- * \$706 million (\$150 million less than the president's request) for the Joint Strike Fighter and a three-month delay in beginning the EMD phase;
- * \$1.5 billion for 20 V-22 Osprey aircraft (matching the president's request);
- * \$1.2 billion (\$5 million less than the president's request) for a New Attack Submarine—*Virginia* class;

- * \$4.1 billion, matching the president's request, for one new aircraft carrier (CVN-77);
- * \$1.8 billion, \$1.1 billion more than the president's request to assist the Army in transforming itself into a more mobile and technologically advanced force;
- * \$4.6 billion (\$168 million more than the president's request) for programs managed by the Ballistic Missile Defense Organization such as National Missiles Defense, Theater High-Altitude Air Defense, Navy Theater Wide, and PAC-3 systems;
- * \$12.1 billion for the Defense Health Program (\$543 million more than requested). Specifically, this bill appropriates (1) \$280 million more than the president's request to implement various healthcare enhancements approved by the FY 2001 Floyd Spence National Defense Authorization Act; (2) \$638 million over the president's request for medical research programs including \$150 million for breast cancer research and \$75 million prostate cancer research;
- * \$927 million for chemical agents and munitions destruction (\$76 million less than the president's request);
- * \$433 million (\$25 million less than the president's request) for Former Soviet Union Threat Reduction; and
- * \$812 million for DOD drug interdiction activities (\$24 million less than the president requested).

H.R. 4576 totals \$288.5 billion in budget authority. Specifically, \$188.3 billion in FY 2001, \$59.4 billion in FY 2002, \$21.7 billion in FY 2003, \$9 billion in FY 2004, and \$9 billion in FY 2005. The Appropriations Committee ordered H.R. 4576 reported by voice vote on May 25, 2000.

Views: The Republican Leadership supports passage of this measure. An official Administration view was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4576:

Mr. DeFazio may offer an amendment (#1) to cut \$930 million from the F-22 program procurement accounts in FYs 2001 and 2002 and redirect these funds to various readiness and O&M accounts. Specifically, the amendment will limit the purchasing of F-22s to no more than 6 to 8 until all testing is complete. *Staff Contact: Tom Vinson, x5-6414*

Mr. DeFazio may offer an amendment (#2) to cut \$930 million from the F-22 program procurement accounts in FYs 2001 and 2002. *Staff Contact: Tom Vinson, x5-6414*

Mr. DeFazio may offer an amendment (#3) to bar any funds made available in this Act to be used to enter into a contract with an entity who has been convicted of, or had civil judgment rendered against it, three or more times for (1) fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local contract or subcontract; (2) violation of federal or state antitrust statutes relating to the submission of offers for contracts; or (3) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property. *Staff Contact: Tom Vinson, x5-6414*

Mr. DeFazio may offer an amendment (#4) to bar any funds made available in this Act to be used to enter into a contract with an entity who has been convicted of, or had civil judgment rendered against it, a total of three or more times for (1) fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local contract or subcontract; (2) violation of federal or state antitrust statutes relating to the submission of offers for contracts; (3) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or (4) any of these offenses indicating a lack of business integrity or business honesty that seriously or directly affects the present responsibility of a government contractor or subcontractor. *Staff Contact: Tom Vinson, x5-6414*

Mr. DeFazio may offer an amendment (#5) to bar any funds made available in this appropriation to be used to enter into a contract with an entity who has been convicted of, or had civil judgment rendered against it, for (1) fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local contract or subcontract; (2) violation of federal or state antitrust statutes relating to the submission of offers for contracts; (3) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or (4) any of these offenses indicating a lack of business integrity or business honesty that seriously or directly affects the present responsibility of a government contractor or subcontractor. *Staff Contact: Tom Vinson, x5-6414*

Mr. Dicks may offer an amendment (#6) that obligates \$99.7 million from the Air Force RDT&E account only for the B-2 Link 16/Center Instrument Display/In Flight Replanner program. Additionally, the Secretary of the Air Force hereafter will not be required to obligate funds for potential termination liability in connection with the B-2 Link 16/Center Instrument Display/In Flight Replanner program and if any Act hereafter appropriates the B-2 Link 16/Center Instrument Display/In Flight Replanner program for FY 2001 or 2002, the Secretary of Defense will make such amounts available for obligation no later than 60 days after such Act's enactment. *Contact: x5-5916*

Mr. Hostettler may offer an amendment (#7) to bar any funds in this Act to be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement. *Contact: x5-4636*

Mr. Kucinich may offer an amendment (#8) to transfer \$174 million from the National Missile Defense RDT&E account into the Defense Health Program account. *Staff Contact: Souheila Al-Jadda, x5-5871*

Mr. Kucinich may offer an amendment (#9) to cut \$174 million from the National Missile Defense RDT&E account. *Staff Contact: Souheila Al-Jadda, x5-5871*

Mr. Markey may offer an amendment (#10) to bar any procurement for the National Missile Defense system. *Contact: x5-2836*

Mr. Sanders may offer an amendment (#11) to require the Secretary of Defense to grant \$1.7 million (from amounts made available in this Act) to a medical research institution to begin construction and equipping of a specialized environmental medical facility to conduct research into the possible health effects of exposure to low levels of hazardous chemicals (i.e., chemical warfare agents). Also, this amendment calls for research relating to human susceptibility to these agents to be conducted especially among

people who served in Southeast Asia during the Persian Gulf War. **Contact:** x5-4115

Other Information: See *Legislative Digest* Vol. XXIX, #15, June 5, 2000. For a detailed analysis of DOD programs, weapons systems and background see *Legislative Digest*, Vol. XXIX, #13, Pt. II, May 17, 2000, which covers H.R. 4205, the FY 2001 Floyd Spence Defense Authorization Act.

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H.R. 4577—FY 2001 Labor/Health & Human Services/Education Appropriations

Floor Situation: The House will consider H.R. 4577 after it completes consideration of H.R. 4576. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule provides that amendments printed in part A of the Rules Committee report shall be considered as adopted and waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill, as amended. The rule also provides that amendments printed in part B of the Rules Committee report will be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, waives all points of order against the amendment, can't be amended, and will not be subject to a demand for division of the question in the House or in the Committee of the Whole. It permits the Chairman of the Committee of the Whole to postpone votes and reducing voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote and to accord priority to Members who have pre-printed their amendments in the Congressional Record. The rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4577 appropriates \$97.2 billion in discretionary budget authority—\$12.3 billion more than funding enacted for FY 2000 and \$8.927 billion less than the president's request—for the Departments of Labor, Health and Human Services (HHS), Education, and a wide range of related agencies. Including mandatory spending (the amount over which the Appropriations Committee does not have jurisdiction) and advances, the bill provides \$339.5 billion, \$23.8 billion more than last year and \$8.93 billion less than the president's request.

Department of Labor. For the Department of Labor (DOL), the bill appropriates \$10.7 billion in discretionary budget authority for a number of employment-related programs, including unemployment insurance, worker safety, and job training. This amount is \$526 million less than funding enacted for FY 2000 and \$1.703 billion less than the president's request. Including mandatory spending and trust funds, total funding for the Labor Department is \$12.6 billion. Specific appropriations for the Labor Department include:

- * \$5.015 billion to carry out provisions of the Workforce Investment, \$421 million less than enacted funding for FY 2000;

- * \$381.6 million for the Occupational Safety and Health Administration (OSHA; same as last year);

- * \$440 million (\$6.1 million more than last year) for the Bureau of Labor Statistics; and
- * \$1.028 billion for the Black Lung Disability Trust Fund, \$14 million more than enacted funding for FY 2001.

Department of Health & Human Services. The largest amount appropriated in the bill funds programs of the Department of Health and Human Services (HHS). The bill provides about \$260 billion for HHS, nearly 85 percent of which supports mandatory entitlement programs such as Medicare, Medicaid, and family support services. The remainder of HHS funding (\$43.9 billion, \$2.2 billion more than last year and \$1.2 billion less than the president's request) supports the nation's primary health and welfare discretionary initiatives, including programs such as:

- * the National Institutes of Health (NIH), which receives \$18.8 billion (\$1.0 billion more than enacted funding for FY 2000);
- * the Centers for Disease Control and Prevention (CDC), which receives \$3.29 billion (\$326 million more than last year); and
- * the Health Resources and Services Administration, which receives \$4.8 billion (\$181.9 million more than enacted funding for FY 2000). This account includes \$1.725 billion for Ryan White AIDS programs.

Department of Education. Often the most contentious portion of the Labor/HHS/Education bill is funding for the Department of Education, for which the measure provides a total of \$39.6 billion for FY 2001, \$1.65 billion more than last year and \$2.9 billion less than the president's request. Specific appropriations include:

- * \$6.6 billion for special education programs (\$514 million more than last year);
- * \$8.4 billion for the Pell grant program (\$716.3 million more than funding enacted for FY 2000)
- * \$8.8 billion for education for the disadvantaged (\$116 million more than last year);
- * \$985 million for Impact Aid (\$78.5 million more than funding enacted for FY 2000); and
- * \$406 million for bilingual and immigrant education (the same as last year).

In addition, the measure raises the maximum Pell Grant award to \$3,500, \$200 more than in FY 2000, the same as the president's request.

Related Agencies. Finally, H.R. 4577 appropriates a total of \$40.2 billion for related agencies, including the Social Security Administration, the Corporation for Public Broadcasting (CPB) and the National Labor Relations Board (NLRB). This amount is \$1.9 billion more than funding enacted for FY 2000 and \$282 million less than the president's request. Specific appropriations include:

- * \$38.7 billion for the Social Security Administration, \$1.9 billion more than last year and \$163 million less than the president's request;

* \$365 million—\$15 million more than last year and equal to the president’s request—for the Corporation for Public Broadcasting; and

* \$150 million for the dual benefits payments account of the Railroad Retirement Board, \$13.3 million less than funding enacted in FY 2000 and equal to the president’s request.

CBO estimates that enactment of H.R. 4577 will result in discretionary outlays of \$97.2 billion in FY 2001.

Views: The Republican Leadership supports passage of the bill.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4577:

Mr. Porter will offer an amendment (Part A of the Rules Committee Report) to strike the changes in the Continuing Disability Reviews and reduces funding for Pell Grants for \$48 million, but does not reduce the maximum Pell Grant payment.

Ms. Wilson will offer an amendment (Part B of the Rules Committee Report), which appropriates \$25 million for the 21st Century Teacher Scholarships Act, which addresses the national problem of teacher shortage, if it is enacted into law. The amendment reduces funding for the Occupational Safety and Health Administration (OSHA) by \$25 million as an offset.

Mr. Andrews may offer an amendment to prohibit the use of Department of Education funds for prohibiting a state vocational rehabilitation agency from counting a blind or visually-impaired person as successfully rehabilitated if the person is placed in a noncompetitive or nonintegrated employment setting at the federal minimum wage or higher. *Staff Contact, x5-6501*

Mr. Gary Miller may offer an amendment to reduce “Education technology: ready to learn television” funding, part of the Education Reform program, by \$16,000,000 and increasing Special Education grants to States (IDEA) by \$16,000,000. *Staff Contact: Deandra Brooks, x5-3201*

Mr. Paul may offer an amendment to prohibit the use of funds to promulgate or adopt the use of a national medical identification system. *Staff Contact, x5-2831*

Mr. Ryan may offer an amendment to reduce 21st Century Community Learning Centers, part of the Education Reform program, by \$300,000,000 and increasing Special Education grants to States (IDEA) by \$300,000,000. *Staff Contact: Scott Shortenhaus, x5-3031.*

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